

REMARKS

Claims 1-30 are pending in this application. Claims 9, 11, 16, 17, 22, and 23 have been amended. No new matter has been added by way of this amendment.

Claims 1-30 stand subject to a restriction requirement. As further discussed below, Applicants elect claims 1-10 and 22-30, with traverse. Applicants make this election without prejudice to the subject matter of the non-elected claims and reserve the right to pursue such subject matter in this or another application.

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated September 15, the Examiner alleges that the claims are directed to the following inventions:

Invention I: Claims 1-10 and 22-30 [which] are drawn to user authentication, and

Invention II: Claims 11-21 [which] are drawn to a secure transaction involving a token.

According to the Examiner, Inventions I and II are related as combination and subcombination. Specifically, the Examiner states that "the combination as claimed in invention I discloses an authentication process that does not include the particulars of combination II such as 'merchant'." (Office Action, page 2).

Applicants hereby elect Invention I with traverse. Invention I encompasses claims 1-10 and 22-30.

Independent claim 1 and independent claim 11 are directed to a system for authenticating a customer transaction. By this Amendment, the “merchant,” “issuer,” and “acquirer for accepting transaction specific data from the merchant and transferring the data to the issuer,” have been deleted from claim 11. Independent claim 22 is directed to a method for remote authentication of a customer who participates in an electronic transaction. As amended, claim 11 is not related to claims 1 and 22 as a combination and subcombination. Indeed, claim 1 is not an element of claim 11, nor is claim 11 an element of claim 1. Therefore, Applicants respectfully request that the restriction requirement be withdrawn and claims 1-30 be substantively examined.

CONCLUSION

The Examiner is invited to contact the undersigned at (212) 408-2500 if any additional information or assistance is required.

Applicants believe that no additional fee, other than the fee for a one-month extension of time, is due in connection with the filing of this response. If any additional fee is due, or overpayment made, with regard to this response, Applicants authorize the Director to charge any such fee, and credit any overpayment, to Deposit Account No. 02-4377.

Respectfully submitted,

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